**Ian**

**Port Hills red zone**

**Area 8: Port Hills**

**Red zoned due to risk of cliff collapse**

**White zoned, green zoned, then red zoned in December 2013**

(Note: Ian and Ruth are married but were interviewed separately. Although their accounts are similar, their different perspectives offer further insight into the red zoning experience.)

**Ian’s story**

I’m a structural engineer with 40 years’ experience. I’ve been working in Christchurch since the early ’80s. I went through Canterbury University, obviously. Prior to the earthquake we did very little residential work, but we’ve done quite a lot since then because people need help. I don’t particularly enjoy it. I’ve been involved knees up in the whole thing. The commercial stuff you just deal with it, but the residential stuff …

Having been through it I empathise with a lot of the people we’ve talked to. We act for both sides − for insurers and we’re independent − but one of the things I try to bring to it is, “I know what you’ve been through, we’ve been through it too, we’re going through it.” It helps people. But also I’ve seen an unbelievable range of totally incompetent reports across the board. It just astounds me. People are looking at these things and just haven’t got a clue, and yet they’re acting with authority! And it’s pretty galling.

That’s one of the reasons we’re staying and able to get on and repair our house, because I know this process. I’m not a specialist geotechnical engineer, but I do have quite a lot of knowledge in that area, and basically GNS[[1]](#footnote-2) have got it wrong, but they won’t listen to us.

I was away for the February 2011 earthquake and returned the next day. I checked the house and thought it was safe, but my wife said, “I don’t believe you.” I said, “But people pay me for these opinions, Ruth!” And she said, “I still don’t believe you!” She said, “I needed a husband and you came back as an engineer.” I saw it as something to be fixed, and of course that makes your whole response quite different. I can fix this, and that’s OK, and that’s unsafe, stay away from there. If you don’t have that technical knowledge you’re just overwhelmed.

**Ian’s property**

The house is in McCormack’s Bay, at the top of a 12-metre cliff, and was built in the mid-60s so it’s 50 years old. We’ve been out there 23 years. There doesn’t seem to be any reason for us to move so we’re not.

We’re a repair. It was a fairly incompetent assessment of our property by EQC [Earthquake Commission]. They were lucky I was there with them, because I was pointing out what the damage was and what it meant. I think it’s why the insurers were a bit edgy at the start. They thought we wanted a new house like everyone seems to want. And I said, “No, it’s quite repairable. It’s got a lot of damage, but it’s quite repairable.” We had no problem there. Structurally it’s sound, it’s on the rock, it’s fine.

We were white zoned[[2]](#footnote-3) for about nine months, and then we were green for a bit over a year and the insurers had just started going through the process of sorting out what had to be done. Then we were red zoned. At about 8.40 pm on the 14th of December 2013. It was just a phone call out of the blue: “Oh, I’m just ringing to let you know you’re red zoned before it’s public tomorrow.” My son looked on the website and it was public already, and that was the first we knew about it. We’d been green zoned, we were in the process of going through our insurance, and we’d heard nothing, nothing at all.

Of the 44 houses on Balmoral Lane, 15 have been red zoned. Of those 15, 12 have been demolished. We’re not going and two more are yet to go. We’re the only red zoners who have decided to stay. To be fair, the other ones were all section 124[[3]](#footnote-4) as well. Our neighbour across the road got some poor advice. I think her property got less damage than ours, but that’s what has happened. We’re only where we are because I’m an engineer. We’d have gone, I’m sure, if I wasn’t an engineer, because I simply wouldn’t have the fortitude to fight it, or I guess the knowledge to see that it was OK anyway.

The red zoning has no “legal basis” - that was the term the Supreme Court used - and yet still it sits on our property and takes away our value and there’s nothing we can do about it. We’ve lost all the value of our house. The value of the property has gone from $760,000 RV to $44,000 for the land and house. Ruth thought we should appeal the revaluation and I said, “What’s the point? Who’s going to buy a wrecked house, red zoned with a hazard management zone across it?” But people have got short memories. It’s a fantastic section, and in 20 years’ time we’d like to think that we’ll get reasonable value for it again. But, I mean, if I drop dead now and Ruth had to sell the house she’d get peanuts for it

**Reasons for agreeing to interview**

Ruth [my wife] said this is going to be your only opportunity to have someone listen to what you’re going to say, because everyone else I talk to either thinks “He’s ranting again” or it has no impact. When it first came through I thought, “Oh God, not another bloody survey” and left it sitting there. And she said, “No, it’s the Human Rights Commission, that’s something that is substantial and proper, not just a research foundation wanting to sell you paving tiles or something. It’s proper. This might have some impact on helping someone next time it goes around. They might not be treated quite so arbitrarily.” I’d hope so.

**Reasons for staying**

I understand the [red zone purchase] offer has been reopened, but we had already made the decision we were going to stay, largely prompted by the fact that there wasn’t anything particularly wrong with our property that couldn’t be fixed. And if we move off, in 10 years’ time there will be someone on our property because it’s going to be sold by the Government. They’re not going to sit on all these properties. And we couldn’t see any reason to go, not helped by the fact that our RV [rateable value] was probably only about two-thirds of what the market value was. I have to confess I cannot see any reason at all why the property should be taken at below market value when if it were acquired for compulsory purchase for a road you’d get market value. And of course there’s always an argument about what market value is.

I’ve had five geologists now, two employed by EQC, one employed by the Council and two employed by us, who reckon that our cliff is OK and repairable. So why should we listen to someone from GNS who has admitted that he hasn’t been on the property, has accepted there’s no clifftop recession, and has accepted that the cracks across our carpark they’ve put the zone around aren’t related to clifftop damage?

We’re both a bit bloody minded. There isn’t any reason why we should go, so why the hell should we go? If we’d been offered full market value for our house I don’t know what we would have thought about it. We might have had a different view. But we’re very much attached to the area. That’s where our kids grew up, we’ve been there for 23 years, so it’s the community we live in. We like it out there.

We were very fortunate because we didn’t have a mortgage. That would have been another major thing. When I went to that red zoners’ meeting I was surprised they had a banker there, but then I thought that’s pretty major because if you couldn’t get insurance you’re not going to get a mortgage. You’ve got no choices.

**Immediate post-earthquake community response**

There were 44 properties on Balmoral Lane. It’s a private lane because it’s too narrow for the Council to take it over. We have to operate as a private land. We all pay a land levy to maintain the lane, so we’re all part of a group anyway. The structure was there. I’m on the committee for the land, and I’ve been quite handy to them over the last few years. But one of the things as a Lane Association we did several times after the quake was had meetings just so people could know what was going on. Mark Yetton[[4]](#footnote-5) came along to three of them and was really fantastic, because people were pretty frightened. Mark was incredibly helpful and constructive. He just came along because we’d asked him. He was happy to come and talk, and he made it very clear that this was just personal opinions. We also had a meeting with the Council and had Council come and speak on the risk assessment they were doing.

I think that having those meetings in Balmoral Lane was wonderful, because people got together with a whole lot of other people in exactly the same situation and shared. I mean, socially the earthquakes were fantastic. We got to know people up and down the road. All you want to do is talk and share. We ate and drank phenomenally. You work all day trying to fix your house up, and then you just sit down and eat and drink. We ate like princes for that first week, because everyone was emptying their freezers. Salmon, whitebait, crayfish … people just came out and helped each other.

Initially we got thrown out of our house for about five days because they thought the whole hillside was going to slip down. I was able to get up there because I knew four other routes they didn’t know. We had to feed the cat and things like that. I also did a number of inspections for people for the safety of their houses.

We didn’t have water for six weeks and we didn’t have power for four-and-a-half weeks. The power didn’t worry us too much because we do a lot of camping, so we had gas stove. The thing I feel very smug about is that seven years ago I put a rainwater tank in − and I stabilised it, of course, being a good structural engineer! − so we were able to supply our neighbours with water. It was massive. It made a big difference.

**Attempts to get clarification for the red zoning of their property**

It must have been about a week after the first meeting, they [CERA, Canterbury Earthquake Recovery Authority] asked us formally to a meeting in town. What staggered me is we went through three locked doors before we could get to the meeting room in a building on Worcester Street. Unbelievable. You’d think we were criminals being led in. We got Ruth’s sister to come along with us because we wanted an independent person there. Joan wrote notes. She was horrified. [...]She understands people processes quite well. She was simply horrified to see how we were treated when they started to give us some information and I said well that’s a photo of the wrong cliff, that’s not there, it was wrong. All this rubbish they presented as authority. Of course we interrupted them − they weren’t very happy about being interrupted. Ruth walked out of the meeting just to calm down. The process was staggering. It was ‘Thou shalt not challenge it.’ It was wrong!

The red zoning was totally arbitrary. As soon as it was red zoned − I mean, I understand these reports, I looked at all of them and I know what this is about − I wrote a 10-point letter to Gerry Brownlee saying we have been given no reason at all for our property being red zoned, and it’s wrong, and this, this and this. The only thing we’d seen was a video saying these properties have been identified as at risk.[[5]](#footnote-6) That was all we got. Then when we went through the minutes of the meetings of all the committees that did the assessment there was nothing more to it than saying we want to link these two properties up.

We only stayed because we’d had all that evidence that it was going to be OK and then GNS changed it.

I just think that if you’re going to do that sort of thing you should come up with some credible evidence straight away as to why you’ve come to this conclusion, and you should be prepared to be challenged. Every report I write is on that basis, particularly when for us we’d lost $250,000 to $300,000 − probably more. So it’s the powerlessness again. We wouldn’t necessarily agree with what they said, but at least we’d have had a chance to discuss it and contest it.

I got a 10-page report back from GNS ... The cliff is between 9 metres and 11 metres high. They said it was 12 metres to 14 metres. I’ve measured it. It’s wrong. They talk about cliff-top recession. There is none. I’m gobsmacked how someone can write a technical report on a property and not have been on it. He’s driven past. He’s identified the geology incorrectly − that’s not just my opinion, that’s all the geologists − and yet this has come from GNS and been peer reviewed as well. They’ve even got photos in the report which show that the house is further away from the cliff than what they say. Their own report shows that! The thing is just full of rubbish. He offered to meet me and I said, “Well there’s absolutely no point,” because by then we’d had another letter from Gerry Brownlee saying there will be no review and made it quite clear. So why waste my breath?

Redcliffs cliff reports do not apply to manmade cliffs. [CERA and GNS] have both said the cutting is not manmade. It’s staggering, isn’t it? So we said to Roger Sutton, the cliff is manmade, and we sent him the survey maps from 1853 and 1864, which show there’s no cutting as you drive out to Sumner. It was first started in 1865, widened in 1888 and then done again in 1935, and I think there’s photographic evidence of all this sort of stuff, and yet they’re still claiming that it’s not a manmade cliff. You can actually see − when they cut the cutting, they drilled down and they put a bit of gelignite in or dynamite in or whatever and blew it off. You can see all the half drill holes across the front of our property. I mean, the stress just eats you up. That’s why we decided we wouldn’t go any further, because we had no confidence we’d get anywhere anyway.

**Life:risk**

There were five factors in the cliff hazard management risk. One is the probability of another big earthquake. Another one was the cliff-top recession. Well, how can you possibly apply that without looking? Another one was the likelihood of the house being occupied, and I’ve accepted that is 100 percent, because this isn’t just a holiday house. Another one is the 100 percent risk, the chance of you being at the top of the cliff. We’ve actually got a hedge and a fence at the top of our cliff to stop people going there, and that’s not taken into account. The other one is the chance of you being killed if you fall from the cliff. The numbers that come out of it say you’ve only got a 50 percent chance of being killed. So when you go through those risk factors for our property you’ve got a one in ten thousand chance of being killed on our property. And if it’s greater than 1 in 10,000, it’s red zoned.

Those factors are just so arbitrary and incorrect. For example, to accept that there’s a 100 percent chance of you being killed if you’re at the top of the cliff is wrong, and that there’s a 100 percent chance there could be someone at the top of the cliff is wrong too. In other words, it’s total manipulation of the figures. This magical 1 in 10,000 − it’s so arbitrary.

**Arbitrary nature of red zoning**

Our property is quite safe, and the house is quite safe, and that makes us different to a lot of people. Of course it’s a political decision: for consistency we’ve got to clear all those properties. I accept the principle behind the red zoning, particularly on the flat. I’m not suggesting that it would be any less stressful to be on the flat, and to have to move out of your house. I think it must feel awful. But on the flat you’ve got whole areas. On the hill every single property is tangibly different. You don’t need to be an expert to pick that. And so I think they should have provided more evidence.

Our property is a classic because it wasn’t even in the thing originally, in the unstable cliff areas. And then, “Oh it’s a mistake, you’d better be put it in there.” Well, OK, provide some data. Our neighbours have got so much damage there wasn’t really too much dispute. There were people who were quite happy, so it’s not a big issue. But as I said to Roger Sutton, when I produce a report saying your building has got to be knocked down because it’s got earthquake damage, I expect to have to justify it. It’s quite reasonable for you to say, “Come and show me the damage please and explain why it’s got to come down.” That’s what we sought.

**Insurance and repairs**

We had to go through a lot of hoops to get insurance, and then in the end the insurers were quite happy to insure us on the same basis as we were before once they’d seen the reports. So we’re with AMI, who we always were with. There was a bit of a struggle to get it done, because they just had the walls up against people who were red zoned, but I went through the broker I worked with for my own company insurance and he got the local manager to back us up. Having insurance has made us feel immensely better, because you’re not going to spend hundreds of thousands of dollars on your house if you can’t insure it.

We were well over cap. We were over cap as soon as EQC came around. Even though the guy really didn’t know what he was doing, I think they could see where the damage was and they could see this is going to be repair. We cash settled because the insurer would not repair on red zone land, so Southern Response wouldn’t have anything to do with it. I found Southern Response[[6]](#footnote-7) reasonably professional. They had a project manager we dealt with who very quickly saw that we knew what we were after and we weren’t trying to get more. We weren’t after any more than was our fair share.

Now we’re managing our own repairs. It’s hard work. My wife is staggered at how much you have to answer, but I said that’s just what happens when you project manage. It’s not so much difficult as relentless. There’s always something to do. I’d spend probably four or five hours a week just answering queries. I’m not complaining. We chose to do it.

We’ve got our building consent, we’ve got our insurance, we’ve got contract works insurance for the house, and it’s underway and it’s all straight forward. We’ve got to do a little bit of stabilisation of rock on the cliff, which EQC declined to pay for initially despite seeing their report from their geotechnical engineer, who said this is earthquake damage and can be repaired by doing this. The Council has indicated they require this for the consent, so that’s still in the process of discussion. We haven’t been settled for the claim, but the indications are that they will finally come to the party. We’d have never got there if I wasn’t an engineer. This is what I do for a living, so I know the process, but it’s incredibly frustrating − and that’s for someone who is in the game.

**Engagement with agencies**

Just about every time I run into someone I haven’t seen for a couple of years they say, “You’re allowed to stay?” They have no idea that the red zoning is a geological label and offer to buy, that’s all it is. ‘Voluntary’ is a bit of a tricky term if you’re at the top of a cliff, but for us it has been voluntary. I don’t think CERA made that as clear as they could have, but the Council certainly made it very clear for us. CERA is dictatorial, just strides over the land. It was just disgraceful. You’d think we were criminals.

I found CERA on the technical side pretty good, but on the residential side for our own property I found them disgraceful. EQC? Well, I think some of those people should be up in court. Unbelievably frustrating to deal with. We’ve got a flat in Redcliffs, and you deal with somebody different every time. You’ve got to go through the whole thing. We’ve been told we haven’t been paid for something when we’ve been paid. We’ve been told we’ve been paid and have to pay it back when we’ve never been paid. They’re just incompetent, quite frankly. Staggeringly bad. Even worse than them was EQR[[7]](#footnote-8). Professionally I’ve had a bit to do with them and they are staggering!

Although I don’t agree with everything they’ve done, the Council have actually been reasonably good to deal with by and large in a very difficult situation. In the confusion after the earthquake the Council weren’t going to do much, I suppose. It would have been December 2011 that they scaled loose rock off the cliff. Very little came off, but that was what they wanted to do to see the state of the cliff. And fair enough. They identified there was an area of loose rock. We’ve since had an assessment, which we needed for our insurance but also use for our building consent. It’s a pretty minor bit of work. It’s going to be less than $20,000 worth of rock bolting, so pretty minor in the context of things.

We’ve certainly run into Ruth Dyson [Labour Party Member of Parliament representing the Port Hills] a couple of times at red zone meetings, and she’s been very supportive indeed. She’s been incredibly hardworking in terms of providing support and going to the red zone meetings, and she was quite supportive when I showed her my first letter I sent to Gerry Brownlee. I’m not sure she’s had any impact on any of the decisions, but she’s been there and understanding and suggesting ideas and putting us in touch with people and so on, so she has been wonderful.

Southern Response − she was quite tough, but she was professional and straight up and down with us and good to deal with. The Arrow project manager who was with Southern Response, he was good to deal with.

**Stress**

Trying to find out why the red zoning was given to us was incredibly stressful, and my wife is still very stressed by that. I guess I am. I’ve totally lost faith in the legal system. They can’t even write down facts. It’s predetermined if you ask me. I also can’t believe the Supreme Court could sit on that decision for four months until miraculously about two weeks after the zone comes out. The zoning change, the district scheme change, came out about two weeks before the Supreme Court decision on the Quake Outcasts hearing, and that hearing was way back in July last year [2014]. Everyone wanted to know when it was coming, and then miraculously it comes out just in time so they can lock in the red zone before it’s found there’s no lawful basis for the red zoning. I’m afraid I just don’t accept that’s coincidence. I accept there have to be political decisions, but a little bit of openness would be quite nice in a democracy.

That powerlessness was the worst of it. I think it all comes under that. I mean, not knowing where you’re going. I was talking to Ruth about this last week because she said, “You always undersell the stress.” Yes, well, we have suffered. You wake up in the night. It’s just with you all the time. We went away down south in early August and we closed the tenders for our property the day before we left, so we had a look at it while we were away and made a decision and rang the contractors and said we’d like you to go ahead. And Ruth said that coming back into the Christchurch for the first time in four-and-a-half years she didn’t feel the stress go up like that [*gestures*] because we were in control of it. It’s the powerlessness. That’s the stressful bit. You have no say in it. You have no input. Up is down, down is up, and you can’t say anything about it. Well you can, but it’s taken no notice of.

Oh yes there has been stigma, and even people up Balmoral Lane are staggered that we’re still staying. It’s definitely got a stigma. The stigma doesn’t worry me too much, but it’ll come back in a tangible form when we try and sell our property. I think the red zoning should simply be removed. There’s no lawful basis for it, so take it away. Full-stop. The fact that it has been red zoned, we can’t wipe that from the record, but it shouldn’t be red zoned anymore. We will ask for the red zoning to be removed, because it’s absolutely ludicrous you can get a building consent but you’re red zoned. We were going to write a letter and get into that but we just decided, let’s focus on getting back into our house, and after we’ve done that we might pursue it. Life has to go on. We’ve got to look after ourselves.

**Phases of recovery**

It’s hard to believe how stressed we were. We moved back to our house after about five days, when they let us back on the property, and about two weeks later Ruth said, “Can you go and get the sheets off the bed down below?” And I said, “Why? We haven’t had anyone stay with us.” And she said, “We’ve been sleeping there for two weeks.” I had no recollection of having slept in that room. That first six weeks was just bizarre, and you didn’t need to have serious damage to be that way. So I haven’t heard it put like that in those four phases, but I think it’s dead right.

I don’t know whether we’re in the ‘regeneration phase’. When we’re back in our house, then we’ll start to think about it. Oh God, life can get back to normal!

For the city as a whole I’ve been pleasantly surprised. I was talking to people about three or four months ago about the things happening, and they said, “This whole vast area is where they’ve cocked it up, basically, and it’s going to take years to come right.” But there’s a lot of new stuff on the other side of the river. And you go out to Sydenham and Addington, there’s a lot of good things happening. For me, the first thing that really woke me up to that was probably a year ago, when one of my friend’s kids was moving back to Christchurch at age 22 or 23, and I said, “What the hell are they coming to Christchurch for?” and he said, “It’s the happening place now, that’s where they all want to be.” And that’s great, because it’s the young people who give the enthusiasm.

I feel pretty positive about the future. There’s still things I’m pretty unhappy about, but it doesn’t make me depressed or anything. It’s just the normal political process.

**Recommendations**

I think that sort of size group [like the Balmoral Lane Association] is really what you need to do. Government would be horrified with the process, but it’s the only way you’re going to get it right. The decisions may not have been different, but people would have accepted them a lot better because they’d have been involved in understanding what’s happening. To me that would have been a better way to do it. I know it’s a hell of a lot of effort, but I think there was a gross arrogance from EQC and CERA that ‘We know best’ and ‘This is what you will do’. People might not agree with it, but if you give them a bit of explanation, then they’ll understand the reason behind it. That would be the biggest thing to do next time.

The biggest lesson out of this is to trust democracy. Democracy is a bit difficult, but you do get the right answers. It’s a very robust process when you get people’s input into it, and I think they could have had much more of a democracy, particularly in the centre of the city when you think about the red zoning. People might not have been happy, but it would be a much better process to deal with and move on to doing something constructive.

I remember a lovely tale. The chief structural engineer in the Auckland office, very good guy, and he said, “What qualifications do engineers need to go to Christchurch to help out with the earthquake?” and he answered, “Grey hairs”. I thought that was a lovely quote: experience. I think that would have avoided a lot of these problems, just having someone who could look at it and actually make a proper assessment.

The engineering fraternity in Christchurch had the blueprint for it really. I’m not saying they got it perfectly right, but every night they’d come back for a debriefing. They just worked fulltime and at the end of each day they’d go back and have a debriefing just to make sure they’re getting it right, and say look this is really serious stuff that you need to look for, and that’s not so much. And because a lot of it was evolving knowledge for us, it was brilliant, there was this dissemination of knowledge and experience. It was fantastic for a lot of engineers coming in from outside to actually get time to understand the Christchurch peculiarities. That to me is an outstanding example of what to do after a disaster. And MBIE [Ministry of Business, Innovation and Employment], in particular, has bought into that because they’ve been workshopping a lot of their documents on residential houses, so it’s been a fantastic process both ways: the engineers learning, but also the institutions drawing on that knowledge to develop standards, and it’s worked very, very well indeed.

One of the things that really does grate on me a hell of a lot is the waste. I know Alan Edge from Southern Demolition, and I was talking to him about six weeks after the quake, and he said it’s unbelievable when you go to these buildings you’ve got to demolish. One was a ski shop, and he said there was this rack full of $500 ski suits, nothing wrong with them at all, and he’s got to put it on a truck because they’re not allowed to take anything out. I just think, what an unbelievable waste. You don’t need to waste all of that. I can’t see why a house should be wasted if it’s quite repairable. Why would you chuck things like that away?

1. GNS Science is a Crown Research Institute providing geological and nuclear science consultancy services. [↑](#footnote-ref-2)
2. As part of the 2011 land zoning of Greater Christchurch, the ‘white zone’ was applied to properties in the Port Hills which required further assessment in terms of rock fall and land slip risk. [↑](#footnote-ref-3)
3. ‘Section 124’ refers to section 124 of the Building Act 2004 where properties were considered by the Christchurch City Council to be structurally unsafe as a result of earthquake damage or where the Council believed there was an increased risk to life because of potential rock roll, land slippage or cliff collapse. [↑](#footnote-ref-4)
4. Mark Yetton is a geologist for Geotech Consulting Ltd. [↑](#footnote-ref-5)
5. Available on CERA’s website: http://cera.govt.nz/port-hills. [↑](#footnote-ref-6)
6. Southern Response is the government-owned company responsible for settling claims by AMI policyholders for Canterbury earthquake damage which occurred before 5 April 2012 (the date AMI was sold to IAG). [↑](#footnote-ref-7)
7. Fletcher EQR, a Fletcher Construction business unit devoted to earthquake recovery. [↑](#footnote-ref-8)